

Philip L. Stimac
395 Greenstone Drive
Reno, NV 89523
PH. 775 742 4962

In Pro Se

UNITED STATES DISTRICT COURT
NEVADA DISTRICT

Philip L. Stimac, etc.,]	Case No. 3:12-576 RCJ-WGC
et al]	
]	MOTION TO STRIKE IMMATERIAL
vs.]	AND IMPERTINENT WORDS AND
]	LANGUAGE FROM DEFENDANT'S
Eric Holder, etc.,]	MOTION TO DISMISS
et al]	
]	FRCP 12 [f]

I.

Legal Standard

FRCP 12 [f] allows a district judge to strike words and language which is immaterial and impertinent from a pleading.

II.

Words and Language To Be Striken

At page 5, lines 11-17 defendants allege that plaintiff's faith and devotion to the Virgin Mary is:

a] fanciful at best and patently frivolous;

1 b] describes fantastic of delusional scen-
2 arios or contains fanciful allegations.

3 III

4 Facts

5 Plaintiff is a practicing Roman Catholic with
6 special devotion to the Virgin Mary. The Virgin Mary
7 is a key character in the Catholic Church. Millions
8 of people worldwide believe or have faith in her.

9 The Vatican has promulgated four Marian dogmas.
10 It has also approved several of her reported appati-
11 tions. The Virgin Mary has been designated as patron-
12 ess of the United States.

13 IV.

14 Argument

15 Defendants opinion of plaintiff's Marian faith
16 and devotion is immaterial and impertinent to this
17 case. Furthermore, it constitutes an impingement on
18 plaintiff's religious freedom.

19 It is well established that what constitutes
20 religion raises delicate questions which allow every
21 individual to set his own standards. Wisconsin vs.
22 Yoder 406 U.S. 205, 92 S. Ct. 1526.

23 The First Amendment forbids subtle departures
24 from defendant's neutrality as well as obvious abuses.

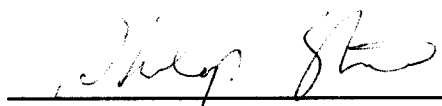
1 Gillette vs. U.S. 401 U.S. 437, 91 S. Ct. 828.

2 V.

3 Conclusion

4 Based on the foregoing analysis, plaintiff re-
5 requests the court strike the immaterial and impertinent
6 words and language from defendant's motion to dismiss.

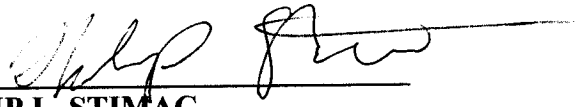
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8 DATED: April 5, 2013

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PHILIP L. STIMAC

Proof Of Service

I Philip L. Stimac declare that I m over the age of 18, not a party to this case and a resident of Washoe County. On April 13, 2013 I served Points and Authorities In Opposition To Dismiss and Motion To strike by depositing copies in the US Mail addressed to Holly Vance, U.S. Attorney, 100 West Liberty Street, Suite 600. I declare under penalty of perjury under the laws of Nevada that the foregoing is true and correct.

April 13m 2013


PHILIP L. STIMAC